



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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27 July 2004

### RUS42805.E

Russia: The manner by which an individual citizen can file a complaint against a member of the police; recourse available to individuals who file complaints against a police officer (January 2002 - July 2004)

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During a presentation at the Ninth European Country of Origin Information Seminar held in Dublin, Ireland, on 26 and 27 May 2004, a London-based researcher of Human Rights Watch (HRW) stated that it is difficult for citizens to lodge complaints against the police in Russia, and that "police accountability is one of Russia's greatest failures" (26 May 2004). A search for corroborating and contrasting information by the Research Directorate provided the following results.

In a November 2003 report, the International Helsinki Federation for Human Rights (IHFHR) indicated that the law in Russia provides that in cases involving complaints of torture and cruel and degrading treatment against members of the police, the courts are vested with the responsibility of determining whether such allegations should be investigated by the prosecutor's office (6-7 Nov. 2003, 33). In practice, IHFHR noted, the courts usually reject the complaints and do not permit an investigation of the allegations (IHFHR 6-7 Nov. 2003, 33).

In practice, the staff of the prosecutor's office, which is responsible for investigating allegations,

...cooperate very closely with the district police when investigating criminal offences, as a result of which close personal ties are often established between the two agencies. Thus, it is often impossible for the prosecutor's office to conduct impartial investigations into alleged police misconduct. In addition, district level prosecutor's offices do not usually have the necessary technical and human resources to conduct investigative activities required to disclose torture and ill-treatment by police officers. Ironically, they often must delegate the conducting of investigations to the district police -- meaning that allegations of police brutality are often investigated by fellow officers and, in the worst cases, even by the abusive officers themselves (ibid.).

Amnesty International (AI) reported in 2003 that victims of racially-motivated torture or ill-treatment by police officers generally do not lodge complaints because they do not believe that they would be successful in obtaining recourse (AI 2003a, 39). Additionally, there is allegedly no confidence in the justice system, which lacks an "independent body to review complaints of torture or ill-treatment at the hands of the state" (ibid.).

A Moscow-based daily newspaper, *Nezavisimaya Gazeta*, reported in June 2004 that according to the ombudsman, Vladimir Lukin, the regions most affected by improper and abusive police behaviour are Tver, Moscow, Leningrad, Vladimir, Irkutsk Oblasts, Krasnoyarsk and Stavropol Krays (17 June 2004). Lukin reportedly stated that most of the complaints his office receives concerning the police officers include illegal searches, arrests of innocent people, beatings and torture, and also noted that Russian internal affairs agencies have told his office that they "dream everything up" (*Nezavisimaya Gazeta* 17 June 2004).

In 2003 and 2004, several sources indicated that few, if any, police officers were penalized for torture and ill-treatment (FBIS Report 17 May 2004; HRW 19 Mar. 2004; *Country Reports on Human Rights Practices for 2003* 25 Feb. 2004, Sec. 1.c; ITAR-TASS 10 Dec. 2003; AI 2003b, 28) even though the problem was identified by Human Rights Watch (HRW) as "severe" (19 Mar. 2004). According to Sergei Zamoshkin, a lawyer and head of Anti-Proizvol, an organization that fights police corruption, "[c]omplaining to the authorities after being intimidated and robbed by [members of the] police has little chance of leading to the offenders being punished" (*Moscow Times* 22 Oct. 2002).

A search by the Research Directorate for reports of instances where police officers have been reprimanded for their behaviour revealed one case in June 2003. According to Interfax, the court approved the arrest of two

police officers after a businessman filed a complaint against them alleging that they "planted drugs, weapons and ammunition in his apartment in October 2001" (25 June 2003). Information on the outcome of this case could not be found among the sources consulted by the Research Directorate.

In April 2004, German Galdetsky was shot in the head and severely injured a month following the launch of his campaign aimed at exposing the police for allegedly stopping late at night and routinely raping young women in Moscow (BBC 15 Apr. 2004; ITAR-TASS 16 Apr. 2004). Several days following this incident, the Interior Minister of Russia, Rashid Nurgaliyev, reportedly acknowledged the increasing number of complaints being filed against police officers in Moscow and said that "[a]ll complaints against police officers must be carefully investigated and, if need be, responded to with the toughest possible measures" (ITAR-TASS 16 Apr. 2004). Approximately three months later, on 7 July 2004, police searched the offices of Moye Pravo, an organization that advocates for the human rights of individuals who suffered ill-treatment at the hands of law enforcement agencies (*Rossiyskaya Gazeta* 9 July 2004). The police search resulted in "empty shelves, computers without hard drives, and an atmosphere of utter despair" (ibid.). The police did not indicate why the search was conducted, nor did they compile a list of all items confiscated (ibid.). At the time of the search, the attack on German Galdetsky was a concern of Moye Pravo (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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*Rossiyskaya Gazeta* [Moscow]. 9 July 2004. "Offices of Russian Human Rights Organization Researching Police Brutality Raided." (FBIS-SOV-2004-0709 12 July 2004/Dialog)

Additional Sources Consulted

**Internet sites, including:** European Country of Origin Information Network (ECOI), *Freedom in the World 2003*, Integrated Regional Information Network (IRIN), Radio Free Europe/Radio Liberty.

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